

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE ARIZONA STATE BOARD  
OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

In the Matter of:	)	No. 92-001
MARK GOLDSTEIN, D.O.	)	
Holder of License No. 1572	)	CONSENT TO ENTRY OF
for the Practice of Osteopathic	)	ORDER AND FINDINGS
Medicine and Surgery	)	OF FACT, CONCLUSIONS
in the State of Arizona	)	OF LAW AND ORDER

A complaint charging MARK GOLDSTEIN, D.O., Holder of License No. 1572 for the practice of Osteopathic Medicine and Surgery in the State of Arizona with unprofessional conduct as provided in A.R.S. § 32-1854 having been received by the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board"); and MARK GOLDSTEIN, D.O., having expressed a desire to execute a Consent to Entry of Order ("Order") pursuant to A.R.S. § 41-1061(D) in lieu of participating in a public hearing concerning the allegations contained in the complaint;

THEREFORE, in lieu of further proceedings and as a final disposition of this matter:

(1) MARK GOLDSTEIN, D.O. admits that the Findings of Fact and Conclusions of Law set forth are true and accurate.

(2) MARK GOLDSTEIN, D.O. admits that the conduct described in this Order is unprofessional conduct as provided by A.R.S. § 32-1854.

(3) MARK GOLDSTEIN, D.O. acknowledges that the record prepared in this matter, all investigative material prepared and

1 received by the Board concerning the allegations, and all  
2 related exhibits and materials may be retained in the Board's  
3 file pertaining to this matter.

4 (4) MARK GOLDSTEIN, D.O. understands that pursuant to  
5 A.R.S. § 32-1855, he has the right to a public hearing  
6 concerning each allegation set forth in the above captioned  
7 matter at which MARK GOLDSTEIN, D.O. could present evidence and  
8 cross-examine witnesses. MARK GOLDSTEIN, D.O. waives his right  
9 to such hearing.

10 (5) MARK GOLDSTEIN, D.O. waives any right to rehearing  
11 or review or to judicial review of the Findings of Fact,  
12 Conclusions of Law or Order.

13 (6) MARK GOLDSTEIN, D.O. acknowledges that based upon  
14 the Findings of Fact and Conclusions of Law, coupled with his  
15 admission thereto, and pursuant to A.R.S. § 32-1855, the Board  
16 is authorized to take formal disciplinary action against his  
17 license to practice osteopathic medicine and surgery.

18 (7) MARK GOLDSTEIN, D.O. understands that he has the  
19 right to consult with an attorney prior to signing this Consent  
20 to Entry of Order.

21 (8) MARK GOLDSTEIN, D.O. acknowledges that the  
22 Findings of Fact, Conclusions of Law and Order contained herein  
23 are conclusive evidence of unprofessional conduct which may not  
24 be disputed, denied or relitigated in any future proceeding and  
25 may be used for purposes of determining sanctions in any future  
26 disciplinary matter.

1 (9) MARK GOLDSTEIN, D.O. hereby authorizes any  
2 attending physician, psychiatrist or psychologist to release to  
3 the Board all records pertaining to his care and treatment.

4 (10) MARK GOLDSTEIN, D.O. acknowledges that any  
5 violation of this Order by him constitutes grounds for further  
6 disciplinary action for unprofessional conduct pursuant to  
7 A.R.S. § 32-1854(26).

8 (11) MARK GOLDSTEIN, D.O. acknowledges that this Order  
9 will be effective only upon its acceptance by the Board.

10 DATED this 26<sup>th</sup> day of February, 1992.

11  
12  
13 \_\_\_\_\_  
Attorney for Respondent

  
Respondent

14 Pursuant to the foregoing Consent to Entry of Order,  
15 the evidence contained in the Board's records and files in this  
16 matter, and good cause appearing, the Board makes the following:  
17

18 FINDINGS OF FACT

19 I

20 MARK GOLDSTEIN, D.O. is the holder of License No. 1572  
21 for the practice of osteopathic medicine and surgery in the  
22 State of Arizona.

23 II

24 The Board of Osteopathic Examiners in Medicine and  
25 Surgery is the duly constituted authority for the regulation of  
26 the practice of osteopathic medicine and surgery in the State of

1 Arizona, pursuant to Title 32, chapter 17 of the Arizona Revised  
2 Statutes.

3 III

4 On or about December 14, 1992, MARK GOLDSTEIN, D.O.,  
5 was arrested by a City of Scottsdale police officer for driving  
6 while under the influence of intoxicating liquor and excessive  
7 speed at 4400 North Miller Road, Scottsdale, Arizona.

8 IV

9 On said date, MARK GOLDSTEIN, D.O., was clocked on the  
10 police officer's radar gun traveling 59 miles per hour in an  
11 area posted for a maximum speed of 35 miles per hour.

12 V

13 On said date, MARK GOLDSTEIN, D.O., subsequently took  
14 and failed several field sobriety tests, as well as blowing a  
15 .224 BAC in a portable breath machine.

16 VI

17 On said date, MARK GOLDSTEIN, D.O., admitted drinking 3  
18 to 4 glasses of wine.

19 VII

20 On December 14, 1991, MARK GOLDSTEIN, D.O., was on  
21 probation before the Arizona Board of Osteopathic Examiners in  
22 Medicine and Surgery ("Board").

23 VIII

24 Under the terms of probation, MARK GOLDSTEIN, D.O., was  
25 to refrain from all use of alcohol and remain law-abiding at all  
26 times.

[illegible]

## 2

3

## 5

7

## 8

0

## 0

1

2

1 (2) MARK GOLDSTEIN, D.O. shall enroll and participate  
2 in the Monitored Physicians Aftercare Program ("Program") and  
3 shall provide to the Board a copy of his executed contract for  
4 participation in said program. MARK GOLDSTEIN, D.O. shall  
5 authorize the Program to provide quarterly reports to the Board  
6 on his progress in, and compliance with the terms and conditions  
7 of, said program.

8 (3) MARK GOLDSTEIN, D.O. shall submit to random  
9 urinalysis testing administered by the Board and/or its  
10 designee. All costs associated with the collection and analysis  
11 of such fluids shall be borne by MARK GOLDSTEIN, D.O. Such  
12 testing and collection of such samples will be continued for the  
13 duration of MARK GOLDSTEIN's, D.O. term of probation.

14 (4) MARK GOLDSTEIN, D.O. shall use no controlled  
15 substance or prescription-only medication unless prescribed by  
16 his attending physician. MARK GOLDSTEIN, D.O. shall refrain  
17 completely from the use of alcohol. MARK GOLDSTEIN, D.O. shall  
18 notify the Board in writing of any substance or medication  
19 prescribed him by a physician within twenty-four hours after  
20 such prescription is ordered by the attending physician.

21 (5) MARK GOLDSTEIN, D.O. shall adhere to and comply  
22 with all of the contractually mandated requirements of his  
23 aftercare program and shall comply with the following terms and  
24 conditions as well:

25 a. attendance at ninety Alcoholics Anonymous  
26 ("A.A.") or Narcotics Anonymous ("N.A.")  
meetings in the first ninety days (90) after  
execution of this Agreement

1 b. attendance at no less than one  
2 psychiatric treatment per week until further  
3 notice from the Board

4 c. completion of forty (40) hours of  
5 community service per month at a site to be  
6 agreed upon by Dr. Goldstein and the Board

7 (6) MARK GOLDSTEIN, D.O. shall meet with the Board as  
8 ordered by the Board in its discretion to review his compliance  
9 with the terms of this Order.

10 (7) MARK GOLDSTEIN, D.O. shall authorize any attending  
11 physician, psychiatrist or psychologist to release to the Board  
12 all records pertaining to his care and treatment.

13 (8) MARK GOLDSTEIN, D.O. shall bear any and all costs  
14 associated with his compliance of the terms of this order.

15 DATED this 26<sup>th</sup> day of February, 1992.

16 ARIZONA STATE BOARD OF OSTEOPATHIC  
17 EXAMINERS IN MEDICINE AND SURGERY

18 [S E A L]

19 By 

20 7731A.25-31